

## EXHIBIT H

### SPECIAL CONDITIONS

The following Special Conditions are made a part of the Port of St. Marys Industrial & Logistics Center Planned Development District Text, J-25467.0001 (hereafter "PD Text") and included therein as Exhibit H. These conditions apply to all property depicted in that Text and all exhibits thereto which are incorporated herein by reference as modified by these Special Conditions (hereafter "Property" or "the Property"). In the event of any conflict between these Special Conditions and any portion of the Port of St. Marys Industrial & Logistics Center Planned Development District Text, J-25467.0001 or the City of St. Marys, Georgia Zoning Ordinance (hereafter "Zoning Ordinance"), these Special Conditions shall govern. These Special Conditions are conditions of the Port of St. Marys Industrial & Logistics Center Planned Development District. Before any building permits for improvements on the Property may be applied for or issued, there must be a site-Plot pPlan prepared in accordance with § 110-68(c) of the St. Marys Zoning Ordinance. showing the improvement which has been approved by the City of St. Marys (hereafter called "City").

~~Special Use Permits.~~ Any Special Use Permit (also known as a Special Permit Use) (hereafter "SUP") issued for a use to be conducted upon property entirely within the territory of the Port of St. Marys Industrial & Logistics Center Planned Development District as defined in the Port of St. Marys Industrial & Logistics Center Planned Development District Text which is owned by Old Weed & Ready Plantation, LLC as shown on Exhibit B to the PD Text– Boundary Survey dated October 26, 2015 (Parcel A, Parcel B, Parcel C, and Parcel D) (hereafter "the Property") shall continue to be valid so long as the use for which it was issued shall be continuously conducted without interruption and shall not be limited to an annual duration as set forth in the Zoning Ordinance Section 110-145 (5). The SUP shall be transferrable or assignable to any future owner.

Any SUP requested by Property Owner in the future shall be first considered by the St. Marys Planning Commission which shall make its recommendation thereon to the St. Marys City Council which shall make the final decision.

4- Staff: The last paragraph was added to clarify that City Council reviews SUP requests in response to that question from Developer.

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~~Staff: The last paragraph was added to clarify that City Council reviews SUP requests in response to that question from Developer.~~

- 1. Development Plan.** Prior to any development, a Plot Plan for Planned Development, as described in 110-68(c), shall be submitted to the Community Development Department, for review and approval by the Planning Commission, that addresses all Special Conditions set forth herein, the applicable portion of the Zoning Ordinance, Subdivision Regulations and any development agreement. Without the submittal and approval of a Plot Plan, all subsequent development not shown thereon will not be approved nor any building permits issued therefor. In addition to the PD conditions of approval, the Property Owner (as used herein, that term shall mean any owner, developer, user or person or entity holding a leasehold interest or other interest entitling them to possess the Property or any portion thereof and any subsequent transferee of such person) shall comply with all St. Marys ordinances. The Property Owner has acknowledged that the site must adhere to a Brownfield Corrective Action Plan, administered by the Georgia Environmental Protection Division and will cooperate with all parties to achieve the Plan as it now exists or as it may be amended from time to time.

**2.** Staff: definition of Property Owner changed to agree with Applicant while maintaining the original intent.

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- 2. Height Overlay District.** No buildings, structures, or manned equipment may be constructed or permitted on the Property which exceeds 65 feet in height unless 1) the building or structure is clearly shown on a SUPan SUP Application and is subsequently approved and 2) the Property Owner at its own expense agrees in a Developmental Agreement with City to provide at a minimum all funds necessary for the City of St. Marys to purchase firefighting equipment and provide the City Fire Department personnel training in the use of the equipment and firefighting methods sufficient for the City Fire Department to combat fires in the building contemplated considering the size and contents of the contemplated building. The equipment and training shall be those identified by City and the equipment shall be and remain the property of City. The Property Owner's obligations may be placed in a development agreement between the owner and City. The height chart contained in the PD text is superseded by these conditions and should be overwritten with "See Special Conditions".

*Staff: The term “manned equipment” is included to cover a crane holding an operator. This section now requires a Developmental Agreement with developer to exceed 65 feet. Previously required equipment and training are now minimum requirements of the Developmental Agreement.*

~~3.~~

~~*Staff: The term “manned equipment” is included to cover a crane holding an operator. This section now requires a Developmental Agreement with developer to exceed 65 feet. Previously required equipment and training are now minimum requirements of the Developmental Agreement.*~~

**4.3. Maritime Heritage District.** The Property shall not be considered a part of the Maritime Heritage District (MHD) and the provisions of Sec. 110-78. - Maritime Heritage District (MHD) shall not apply thereto.

**5.4. Water and Sewer Services.** Any water or sewer lines and improvements necessary or desirable but not extant at the time of this rezoning serving the Property shall be constructed in conformity with City design standards by the owner of the Property at owner’s sole expense. Once completed, the improvements shall be dedicated to City at no expense to the City.

City water system shall be utilized as the source for all **non-industrial use domestic service**~~non-industrial use~~. The City of St. Marys Point Peter Wastewater Treatment Facility shall receive all industrial and non-industrial wastewater from this site. All industrial wastewater shall only be treated by City pursuant to contract with the owner of the Property setting conditions, pretreatment required and rates for such effluent. Use of the on-site wells for industrial purposes is regulated by GA EPD.

*Staff: Use of the term “non-industrial use” distinguished from “domestic service” to avoid residential connotation as suggested by public comments. There is no residential use zoning in the Property.*

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**5. Storage.** There shall be no storage of refuse not generated on site, **and there shall be no** coal ash, or any particulate matter **stored on site** that may escape or emit noxious odors to surrounding areas, including trash to steam processing. Rail cars or containers shall only be stored (defined as

remaining in place for more than **48 96** hours), processed (loaded or unloaded) or repaired in the areas designated on the Plot Plan.

*Staff: 96 hours was thought to be more reasonable than 48 hours for loading and unloading of rail cars.*

**6.—**

**7.—** Streets and Roads. All transportation facilities will be to City standards and a traffic study for required improvement ~~should~~ shall be a condition of approval for any streets or roads. Proposed Port of St. Marys Industrial & Logistics Center Planned Development District (PDD) Section II shall meet minimum design standards for Streets, Lanes, Alleys, Right of Ways, Lots, Blocks, Utility Easements, easement locations and open space. Overall site design should be harmonious in terms of landscaping, enclosure of principal and accessory uses, sizes and street patterns, and use relationships. Access to the Property by truck traffic shall be limited to Finley Street and St. Patrick Street, while keeping all storage yards interior and well-protected from surrounding uses through buffering and screening subject to approval by the city. Access to portions of the Property abutting Meeting Street shall be limited where possible to minimize the impact to surrounding commercial and residential areas. All transportation facilities will be built and maintained to City standards and the city in its discretion may require ~~and a traffic study for required improvements as a condition to approval of any permit.~~ should be a condition of approval.

**6.** All roads shall be privately maintained unless and until dedicated to and accepted by the City. Prior to Development, the Property Owner shall provide a ten-foot wide non-motorized public access easement to the Camden County PSA or City, at City's option, for use by citizens of St. Marys for a multi-use path along the western boundary of the site.

**8-7.**        Parking. Parking standards for the City should be amended to provide parking requirements for each new facility at time of plot plan and special use permitting.

**9-8.**        Amendments to Existing Planned Development Districts.

- a. Any request pertaining to amending a PD District shall be considered an amendment to the Zoning Ordinance and shall be processed in accordance with the regulations set forth in the City of St. Marys, Georgia Zoning Ordinance, Article VII, Amendments.

- b. All information required in subsections (c) and (d) of Section 110-68 of the Zoning Ordinance shall be submitted to the planning commission and subsequently forwarded to the city council with the recommendations of the planning commission.
- c. If the amendment is approved by the city council, all information pertaining to the proposal, presented or agreed to by the applicant shall be deemed conditions of approval. All permits granted in the PD District shall be in conformance with those conditions.
- d. Before approval of an amended Planned Development District, the city council may require a contract with safeguards satisfactory to the city attorney guaranteeing completion of the development according to the criteria listed herein. Such guarantee may include the submission of a performance bond or letter of credit in an amount set by the city council.

**10.9. Buffers and Open Areas.** Setbacks, buffers and open areas shall ~~meet the minimum requirement~~ be established as herein provided, ~~however, that~~ and any required wetlands and salt marsh jurisdictional setbacks shall also apply according to law throughout the Property. There shall be a 200' buffer around the designated Conservation Area (CA) a portion of which must be a planted buffer as set forth herein. There shall be a 300 foot buffer from all storage, processing and portage of hazardous material, as identified on the Final Plot Plan, and adjacent to residential property lines.

All boundaries adjacent to other properties not part of the PD zone shall be separated by a continuous planted 30 foot buffer sufficient to block all views from ground level at the property line of the I-P portions of the property from view from adjacent properties and roads (except at two entry gates). Such buffer strip shall be composed of healthy plants which possess growth characteristics of such a nature as to produce a dense, compact planting screen that are opaque from ground level to a minimum of six feet from ground level. The plantings shall be not less than six feet high at planting and shall contain sufficient plants which have a growth potential height of 30 feet and can block views continuously up to that height in the locations required herein. Landscaped earthen berms 10 feet high with plantings of a minimum of six feet high with growth potential of at least 20 feet can be substituted for the buffers required herein. Property Owner shall be responsible to nurture, maintain and replace any plantings in any buffer.

The entranceways to the industrial portion of the Property, the pond at Osborne and Meeting Streets, and a 200 foot ~~deep~~-wide buffer along those portions of Osborne and Meeting Streets which abut any portion of the Property shall be landscaped with grass and various plantings to make these areas aesthetically pleasing. A planting plan and details of any proposed earthen berm or other buffering improvements shall be shown on a site plan containing the other improvements proposed at that time submitted to City for approval prior to any development of the Property and constructed at the same time as the improvements on the site plan. The said site plan to contain a waiver of Property Owner's rights under the Georgia's "Development Impact Fee Act" as it reads now or as it may be amended, as it may apply. It is understood that any proposed landscaping or berm or any other proposed improvements which would lie within jurisdictional wetlands are subject to approval by the appropriate federal and state agencies. The buffer, plantings and other improvements in ~~this~~ the area of a buffer must be continuously maintained in good and attractive order by Property Owner.

Developer/Property Owner/Users shall install a fountain on the existing pond within this buffer and a sign within 50 feet thereof with only the words "Welcome to Historic St. Marys" placed thereon in lettering of sufficient size to be viewed from Osborne Street. A site plan for the fountain and sign shall be submitted to City for approval within ~~30 60 60~~ days of any approval of this Planned Development District and the fountain and sign shall be completed within 6 months of the approval of the site plan.

*Staff: Two other subsections (15. Entranceways and 27. Buffer) were combined into this subsection for ease of future enforcement. This section is amended to allow an additional 30 days for design of the fountain and sign and to ensure that the "Development Impact Fee Act" does not apply.*

**44-10. Changes to Definitions.** The following changes are made to Section 2, E Definitions of Land Use Terms and Density Terms:

- a. Section 2 Marine Facilities listing of allowed uses is amended to replace the first listed allowed use with the following: "Shipping facilities for shallow draft barges and vessels"
- b. Section 2 Marine Facilities listing of allowed uses is amended to replace the tenth listed allowed use with the following: "Bunker (Fuel) storage facilities limited to 100,000 gallons"



c. Section 3 Neighborhood Commercial listing of permitted uses is amended to add the following provisions:

- i. (3) No Drive Thru facilities permitted
- ii. (4) No Single-family dwellings permitted
- iii. (5) All non-specified commercial uses shall be special permitted uses (SUP)

~~12.11.~~ Utilities. A 10' Public Utility Easement to City is required on all interior lot lines, and adjacent to all exterior boundary lines.

~~13.12.~~ Timing of Development. The provisions of Section 110-185 (b)(7)(f) shall not apply to this rezoning of the Property. City shall not take action to rezone property to original zoning as described therein.

~~14.13.~~ Materials.

~~a. Total Prohibition. The handling, storage, production or transit through the property of coal or coal ash, wood chips, wood pellets, medical waste, hazardous waste materials (as defined in the U.S. Comprehensive Environmental Response, Compensation & Liability Act of 1980 (CERCLA)) (as defined in the U.S. Resource Conservation and Recovery Act and regulations enacted pursuant thereto) not produced on site, bulk petroleum or other fuels (except for above- ground storage of the amount permitted in Special Condition 11 (b)) including, without limitation, Liquid Natural Gas, medical waste (disposable equipment, instruments, utensils, human tissue, laboratory waste, blood specimens, or other substances that could carry pathogenic organisms), radioactive materials, radioactive waste, sawdust, scrap metal or other recyclables, municipal solid waste(as defined in O.C.G.A. 12-8-22) garbage not generated on site, or waste material or more than 100 cubic feet of concrete or other aggregates are prohibited on the Property. The temporary storage prior to off-site disposal of garbage and waste material generated on site are allowed.~~

~~a. Total Prohibition. The handling, storage, production or transit through the property of coal or coal ash, wood chips, medical waste, hazardous waste (as defined in the U.S. Resource Conservation and Recovery Act and regulations enacted pursuant thereto) not produced on site, bulk petroleum or other fuels (except for above-ground storage of the amount permitted in Special Condition 11 (b)) including, without limitation, Liquid Natural Gas, medical waste~~

~~(disposable equipment, instruments, utensils, human tissue, laboratory waste, blood specimens, or other substances that could carry pathogenic organisms), radioactive waste, municipal solid waste (as defined in O.C.G.A. 12-8-22) garbage not generated on site, waste material are prohibited on the Property. The temporary storage prior to off-site disposal of garbage and waste material generated on site are allowed.~~

- b. Manufacturing. The handling, storage, production or transit through the Property of the following materials: construction or demolition waste, **rigid plastic bottles, rigid plastic containers, retreadable casings, radioactive materials, scrap tires, used tires**, yard trimmings, **concrete and other aggregates** all as defined in O.C.G.A. § 12-8-22, sawdust, scrap metal or other recyclables and radioactive materials are prohibited except in connection with manufacturing or processing on site and shipment of materials manufactured or processed on site, provided, however, that all such materials shall be stored within completely enclosed buildings while on site.
- c. Special Use Permit. The handling, storage, or transit through the property of the following materials: explosives, blasting agents, detonators, all as defined in 18 U.S.C.A. § 841 on the Property are prohibited. Production of those items is only allowed pursuant to a **SUPan SUP** issued by City Council with any conditions the Council may choose to impose.

*Staff: This section has been divided into three sections and headings added for clarity of understanding the different requirements for particular materials.*

- a. *The definition of hazardous materials was altered in response to Applicant's request. The original intent was maintained. Wood pellets are allowed on site as their transport and storage is safer than logs. Storage of fuel in above ground tanks up to 100,000 gallons which was permitted under Special Condition 11(b) is not allowed in underground tanks for environmental reasons. Sawdust, scrap metal or other recyclables and radioactive materials have been removed to (b) and would be allowed because they are part of many manufacturing processes. They are further regulated in (b). "Municipal Solid Waste" was placed in this section and removed from (c) to include it with other totally forbidden materials. "Concrete or other aggregates" were removed from this total prohibition and placed in b to allow their use in manufacturing. A clarification was made that the prohibition of garbage does not include garbage generated on site. The last sentence was modified to clarify that temporary storage on the Property*



of on-site generated garbage and waste material prior to disposal off-site are permitted.

- b. This subsection allows certain materials to be on the Property when they are to be used in manufacture or processing on site if they are kept in enclosed buildings. Sawdust, scrap metal or other recyclables, rigid plastic bottles, rigid plastic containers, retreadable casings, radioactive materials, scrap tires and used tires, were placed here and their total prohibition removed to allow their use in manufacturing processes if properly stored while on site. "Concrete or other aggregates" were placed in this section to allow their use in manufacturing if they are kept in enclosed buildings. Applicant proposed to include the words "or export" at the end of this subsection. By this they mean to allow importing and exporting the material with attendant storage even if for short times. Staff declined to make that change because staff unanimously feels that the inclusion of those words would then actually allow all the acts prohibited by the subsection making the entire subsection meaningless.
- c. Manufacturing of the materials in this subsection is allowed with an SUP from the city council. A process for production of certain materials is allowed if approved as an SUP with any conditions Council may impose.

e. \_\_\_\_\_

~~Staff: This section has been divided into three sections and headings added for clarity of understanding the different requirements for particular materials.~~

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- ~~b. This subsection allows certain materials to be on the Property when they are to be used in manufacture or processing on site if they are kept in enclosed~~

~~buildings. Sawdust, scrap metal or other recyclables and radioactive materials were placed here and removed from (a) to allow their use in manufacturing processes if properly stored while on site. Applicant proposed to include the words "or export" at the end of this subsection. By this they mean to allow importing and exporting the material with attendant storage even if for short times. Staff declined to make that change because staff unanimously feels that the inclusion of those words would then actually allow all the acts prohibited by the subsection making the entire subsection meaningless.~~

~~c. Manufacturing of the materials in this subsection is allowed with a SUP from the city council. A process for production of certain materials is allowed if approved as a SUP with any conditions Council may impose.~~

**15.14. Lighting.** All lighting on the property must be shielded so the source of the light is not visible off the Property. Normal street lighting is excepted from this provision.

**15. Brownfield Program.** The Property Owner shall **not seek to remove ensure that not seek to remove** the Property **remains in from the from the** Georgia Environmental Protection's Division's (EPD) Brownfield Program **other than by complying with the remediation requirements thereof** ~~other than by complying with the remediation requirements thereof~~ and the owner shall cooperate with the EPD and all parties to achieve the Plan as it now exists or as it may be amended from time to time.

*Staff: This section has been amended to meet Property Owner/Developer's objection that it does not have the ability to ensure the Property remains in the Brownfield Program. The language now makes it clear that Property Owner shall not itself seek to remove the Property from the Brownfield Program while allowing remediation efforts to proceed in accordance with the Brownfield Program. Removing the property from the Brownfield Program by actually performing the remediation required is now specifically allowed.*

**16. —**

~~Staff: This section has been amended to meet Property Owner/Developer's objection that it does not have the ability to ensure the Property remains in the Brownfield Program. The language now makes it clear that Property Owner shall not itself seek to remove the Property from the Brownfield Program while allowing remediation efforts to proceed in accordance with the Brownfield Program.~~

~~17.16.~~ Storage containers. Storage containers, such as gas or oil barrels or conex boxes which are located or stored on the property should be screened so they cannot be seen by a person standing on the ground at the perimeter of the Property.

**17. Rookery.** Owner of Property (not including owner at the time this rezoning application was made) ~~(not including owner at the time this rezoning application was made)~~ shall make best efforts to obtain appropriate permitting for and to ~~make best efforts to obtain appropriate permitting for and to~~ provide at no expense to City at least four observation blinds for viewing of the rookery without disturbing the rookery together with access and parking for the public use thereof all to be shown and located on a site plan submitted to City for approval prior to any development of the Property. Property Owner will use its best efforts to secure any necessary permits for the improvements required in this provision. Owner of Property shall preserve the Conservation Area as a natural area and area suitable for use as ~~area suitable for use as~~ a rookery for wood storks perpetually.

~~18. Staff: Provision of these observation blinds is made the responsibility of subsequent owner owing to probable time requirement for permitting. Other changes were made for the sake of clarity while retaining the original intent. The term "perpetually" was retained.~~

~~Staff: Provision of these observation blinds is made the responsibility of subsequent owner owing to probable time requirement for permitting. The term "perpetually" was retained.~~

**18. Wetlands.** All wetlands and salt marshes on Property shall be used, ~~protected,~~ protected and maintained as part of all development plans in accordance with state and federal laws, regulations and permitting requirements.

Staff: Some of the wetlands are to be part of the buffer though still subject to state and federal regulations, hence, insertion of the term "used".

**19. —**

~~Staff: Some of the wetlands are to be part of the buffer though still subject to state and federal regulations, hence, insertion of the term "used".~~

**19. Barge Limit.** ~~No more than [redacted] vessels designed to carry cargo shall be allowed to access the Property during any given 24 hour day. barges or other vessels may be moored in the North River.~~

*Staff: It is not clear what capacity any barge port facility may have at this time. Hence it is not clear what would be a reasonable limitation to the number of barges allowed to have access to the Property. Preventing barges and other vessels being moored in the North River should limit the number of vessels in the area, limit any environmental impacts and prevent their being an eyesore.*

**20. Dredging.** Property Owner shall not request any dredging or deepening of the North River except to maintain current depth in strict compliance with Federal and State regulations.

~~**20. Barge Limit.** No barges or other vessels may be moored in the North River unless granted special permission during a construction process.~~

~~*Staff: It is not clear what capacity any barge port facility may have at this time. Hence it is not clear what would be a reasonable limitation to the number of barges allowed to have access to the Property. Preventing barges and other vessels being moored in the North River should limit the number of vessels in the area, limit any environmental impacts and prevent their being an eyesore.*~~

~~**21. Dredging.** Property Owner shall not request any dredging or deepening of the North River except to maintain current depth in strict compliance with Federal and State regulations.~~

**21. Fossil Fuel Exploration.** No off-shore fossil fuel exploration staging/support facilities shall be allowed on the Property unless as a SUPan SUP.

~~**22.** *Staff: Developer objects that such exploration is not possible for 5 years under a March 2016 decision of the U.S. Department of the Interior. It is not clear if such exploration would ever be legal in the future. Developer also feels there may be a manufacturing or fabricating possibility that could create or sustain employment in St. Marys. If and when such exploration is legally permitted, the use of the property in that endeavor would be subject to approval of an SUP by council.*~~

*Staff: Developer objects that such exploration is not possible for 5 years under a March 2016 decision of the U.S. Department of the Interior. It is not clear if such exploration would ever be legal in the future. If and when such exploration is legally permitted, the use of the property in that endeavor would be subject to approval of a SUP by council.*

**22. Odors. No odor shall be produced on the Property that is detectable at or beyond the Property boundary which are objectionable to an ordinary, reasonable man. No industrial use that may produce injurious or noxious noise, vibration, smoke, gas, fumes, odor, dust, fire hazard or other conditions objectionable to an ordinary, reasonable person as a result of its operation shall be allowed unless permitted by an SUP granted by City Council. Such uses shall be located a minimum of 200 feet from adjoining property lines and must be in conformance with all applicable rules and regulations administered by the Environmental Protection Division of the Georgia Department of Natural Resources.**

*Staff: This provision is rewritten to specifically incorporate standards in the General Industrial provisions of our current Zoning Ordinance Sec. 110-72 (b)(2) to this district.*

**23. Height Restriction. No building or other structure shall be allowed to be constructed or emplaced on the Property exceeding 65 feet in height. Property Owner may request an amendment to this provision and any site plan applicable thereto with the need therefor clearly spelled out.**

*Note: This condition removed entirely in favor of # 2 which has been amended.*

**24. Timeline. Property Owner at its sole expense shall bring the greater of 10% of the buildable portion of the Property or 50 acres thereof to a “shovel ready” condition each and every year after any approval of this Planned Development District. For purposes of this section, “shovel ready” means all environmental pollution remediated, the property brought to finish grade and provided with all utility lines (water, sewer, electrical and gas) and road and other appropriate transport lines such as rail service provided. If Property Owner fails to meet the requirements of this condition of approval for three one year periods, the City may rescind the approval of this Planned Development District and no further improvements consistent therewith shall be permitted thereafter.**

*Staff: This provision was removed completely. The Brownfield Program requires remediation before a new development is built and the nature of the remediation depends upon the nature of the new use. Hence, until subsequent development takes place remediation is neither required nor defined. Given the requirement of item 15, the property owner is committed to following the Brownfield Program.*

~~23. Odors. No industrial use that may produce injurious or noxious noise, vibration, smoke, gas, fumes, odor, dust, fire hazard or other conditions objectionable to an ordinary, reasonable person as a result of its operation shall be allowed unless permitted by a SUP granted by City Council. Such uses shall be located a minimum of 200 feet from adjoining property lines and must be in conformance with all applicable rules and regulations administered by the Environmental Protection Division of the Georgia Department of Natural Resources.~~

*Staff: This provision is rewritten to specifically incorporate standards in the General Industrial provisions of our current Zoning Ordinance Sec. 110-73 (b)(2) to this district.*

*Staff: This section is amended to allow an additional 30 days for design of the fountain and sign and to ensure that the "Development Impact Fee Act" does not apply.*

**25. Naval Vessels.** Property Owner shall coordinate routes and shipping volumes for vessels entering or leaving the Property and shall develop a de-confliction procedure with the U. S. Navy **and Coast Guard** and conform thereto. The transit of naval assets in and out of the Intracoastal Waterway shall not be interfered with by vessels entering or leaving the Property.

~~24.~~ *Staff: The "Coast Guard" was inserted in recognition of its role in controlling the waterway.*

**25-26. Traffic.** The Property Owner will coordinate with the City of St. Marys and the Georgia Department of Transportation (GDOT) regarding traffic and site access and to that end will, at no expense to City provide a detailed traffic study acceptable to GDOT.

**27. Noise.** All present or future **Property Owners** ~~Property Owners~~ or occupants of any portion of the Property shall strictly comply with all St.



Marys Ordinances including, without limitation, the noise ordinance Section 46-69.

*Staff: The term "Property Owner" used to synchronize with definition of that term that was amended in #1.*

~~26.~~

~~Staff: The term "Property Owner" used to synchronize with definition of that term that was amended in #2.~~

**27. Process.** The Port of St. Marys Industrial & Logistics Center Planned Development District (hereinafter referred to as "District" or "the District") and each of the exhibits attached thereto (Exhibits A through H) as altered by these Special Conditions are incorporated into this rezoning planned development ordinance and made a part hereof. The applicants and any successors in interest in the developments of the District shall comply with and be bound by the Planned Development District text and each of the aforesaid exhibits. The District shall be rezoned to those zoning classifications as shown on exhibit A and only those uses authorized by the District plan in the respective zoning classifications as identified in SECTION II B. Allowed Land Uses shall be permitted except as amended by these conditions. Prior to any development or improvement including any building or structure on any property or portion of the Property within the District, a Plot Plan or Site Plan (those terms being used interchangeably in this Exhibit H and the entire PD Text and Exhibits) of any area to be improved at such time must be filed with the City requesting approval as provided in Sec. 110-68(c) of the Zoning Ordinance of the City of St. Marys. No building permit or other development permit required under the ordinances of St. Marys shall issue nor shall any application therefor be accepted until the Plot Plan is approved by the City **Planning Commission** under the provisions of the Zoning Ordinance.

~~28.~~

*Staff: "Planning Commission" was inserted to clarify the process now used to review plot plans.*  
~~Staff: "Planning Commission" was inserted to clarify the process now used to review plot plans.~~

**29. Independent Port.** No portion of the Property shall be used as a laydown yard or storage area for another port or as an accessory or subsidiary operation to any other port. **Normal, non-preferential, not regularly recurring trade with any port is not prohibited hereby.**

*Staff: The last sentence was added to further define an independent port consistent with the original intent.*

**28. Normal, non-preferential, not regularly recurring trade with any port is not prohibited hereby.**

*Staff: The last sentence was added to further define an independent port consistent with the original intent.*